

In critical respects the Pro-Choice people and the Pro-Guns people share a somewhat naive reliance upon extremist self-help principles grounded in uninhibited property rights. This sort of thing is reflected as well in such displays as the shameless advertisements (as in this morning's Parade magazine) by tobacco companies which are designed to trap impressionable youngsters in a deadly addiction (See "Your Basic 3-Piece Suit," Parade Magazine, Sept. 17, 1995, p. 20.) A self-respecting, and self-confident, community should be able to supervise, with a view to the common good, the uses (private as well as public) of all of the property that it makes possible and protects.

VI

Before I conclude these remarks I return, however briefly, to a much-needed lesson in the proper mode of constitutional interpretation. The *Johnson v. Texas* decision turned on a reading of the First Amendment. Although I continue to have reservations about that reading, it should be acknowledged that there was something valid in what the majority of the Supreme Court said on that occasion. There is a serious First Amendment problem whenever only a few of many instances of any type of offensive action are selected for prosecution—those few which are accompanied by, or are understood to convey, sentiments particularly disliked by the local prosecutor or by his constituents.

There are lots of offensive things done with the Flag these days, most of them much more serious (if only they are much more pervasive) than what results from a rare flag-burning. We have learned to put up with considerable routine abuse of the Flag, much of it for commercial purposes. (The nearest illustration for us on this campus is what may be seen a few hundred yards away from this hall—a Texas Stadium representation of the Flag with the slogan "Just Do It" defacing it.) This epidemic of flag abuse is rather sad, especially when I remember how we used to cheer the Flag when it appeared in movie theatre newsreels during the Second World War.

Be that as it may, the Congressional proponents of the contemplated Flag Desecration Amendment assure us that it is not intended to repeal the First Amendment. This means that critical freedom-of-speech challenges will be posed whenever prosecutors can be shown to ignore almost all flag desecrations but those accompanied or expressing sentiments they find personally offensive. Equal protection challenges can also be expected to highly selective enforcement of State laws.

Traffic laws, for example, are clearly constitutional. Yet the policeman who stops only those speeders displaying bumper stickers he does not like can expect to have his policy of selective enforcement seriously challenged on several constitutional grounds. The fact that there is a constitutional amendment authorizing a general enforcement policy may not matter. We once had a Prohibition Amendment—but if a prosecutor had enforced prohibition laws only against his political opponents substantial constitutional challenges should have been expected.

All this is aside from the technical problems of what "the flag of the United States" should be taken to mean and how "physical desecration" should be understood. What, for example, can be done with a protester who displays a flag that is canceled like the flags we are accustomed to seeing on postage stamps—or with a protester who burns publicly such a blow-up (but even larger) as I have provided you this evening of canceled flag-decorated postage stamps? Would it matter if the burning was of uncanceled

flag-stamp blow-ups? So much then, at least for the time being, for this lesson in constitutional interpretation—and in the limits, as well as the merits, of reliance upon constitutions to cure our ills.

The perspective from which I have attempted to speak on this occasion has been that of the informed and responsible citizen. At times, of course, the responsible citizen can be disheartened, especially as he observes how determined all too many of his no doubt patriotic fellow citizens can be to plunge ahead with amendments that would disfigure if not even derail the Constitution. If things get bad enough, with a constitutional pile-up threatened, the powerless student of such appallingly interesting matters can at least console himself with a story that Lyndon Johnson used to tell:

"There was a fellow in Johnson City who wanted to be a district engineer. To test him, the boss asked what he would do if he saw two trains coming at each other on a single track at 60 miles an hour. The fellow thought about it for a while and said, 'I'd go home and get my brother.'

"'Why would you do that?' The boss asked. "'My brother ain't even seen a train wreck,' he said."

(Liz Carpenter, ed., "LBJ: Images of a Vibrant Life" [Austin, Texas: The Friends of the LBJ Library, 1973], p. 14) We can wonder whether Mr. Johnson ever consoled himself in turn with at least having had a ringside seat for the train-wreck of a war that he (with perhaps the most patriotic of intentions) stumbled into a Southeast Asia, a questionable war that also contributed both to the disfigurement of the Constitution and to the demoralization of the American people.

VII

I have used the current Flag Desecration Amendment campaign to suggest what the Constitution should mean to us. In this way, at least, even this misguided campaign can be put to salutary use.

Much of what I have said this evening about how the Constitution needs to be treated should have long been apparent to the more mature members of Congress. They should know that a cheap form of patriotism is being indulged in by some of their amendments-hungry colleagues at the risk of desecrating the Constitution itself. All this should remind us of how a disciplined and sensible legislative body operates. For one thing, it keeps certain excesses safely under control in its committees, having learned long ago how public opinion can be misled.

I presume to pay special tribute to one member of the House of Representatives, a Democrat from Indiana (Andrew Jacobs), who tried last January to salvage something from his colleagues' recent stampede by offering to add to the Flag Desecration Amendment the provision that the spending of money for the election of public officials no longer be considered constitutionally-protected speech either. (See 141 CONGRESSIONAL RECORD H176, January 4, 1995.) He reminded us thereby of still another unfortunate First Amendment reading by the Supreme Court, its 1976 ruling in *Buckley v. Valeo*. That ruling undermined what Congress had tried to do, a generation ago, to control campaign financing in this country. I continue to believe that the First Amendment should not be understood to keep us from experimenting with reasonable measures to prevent our elections from being bought or from seeming to be bought by excessive expenditures of funds, whether by private persons, by corporations, unions, and other organizations, or by the government itself.

But even the serious mistake by the Supreme Court in the *Buckley* Case does not

warrant a constitutional amendment. Rather Congress should try again and again—and we in turn should all try to help the Court to recognize what it too truly wants to recognize; the true reading of the Constitution.

In this worthy enterprise in civic education, the Politics Department of the University of Dallas should continue to be among the leaders in our country today. You are to be congratulated for celebrating Constitution Day as you do, with both playful festivities and serious talk, reminding us thereby that the Constitution depends upon and ministers to both the high and the low. Such a celebration, you also know, is most meaningful when it can include an examination of what the Constitution does and does not say. It is to such an examination, at least in part, that we have dedicated ourselves on this inspiring occasion.

CENTERFORCE 20TH ANNIVERSARY TRIBUTE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 18, 1995

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to Centerforce which is celebrating its 20th anniversary of service to hundreds of thousands of families all over California. This unique community-based organization provides both direct and indirect services to prison visitors including children and families of incarcerated parents at 29 centers serving 34 State prisons and 1 youth facility. Over 350,000 visitors benefit from this innovative program each year.

Centerforce is the statewide extension of The House at San Quentin which was established by Seamus Kilty and supported by Catholic Social Services of Marin. It has continuously served prison visitors since 1971. In 1975 Centerforce was envisioned to create a statewide network of visitor centers modeled after The House. Under the leadership of Maureen Fenlon, O.P., the first executive director, and with the cooperation of the local communities, visitor centers were established at each prison so that all families of prisoners could receive basic support services necessary to keep their family together. These services include transportation, child care, refreshments, crisis intervention, prison visitor advocacy, special education programs, summer camps for the children, and simply protection from inclement weather for the traveling families.

Mr. Speaker, Centerforce is a national model of the collaboration we need between government, community organizations, and individuals to nurture and support the family unit especially at times of separation when they are more vulnerable. As we know, every prison inmate is a family member who will be returning to that family in the future. We all value the family as the most essential unit in our society. It takes just a short-term investment in these families, and especially in their children, to keep the family ties strong and thereby lowering the recidivism rate in the long term. I commend Centerforce for the major contribution it has made to the preservation of thousands of families throughout California and our country who have benefited from this visionary, compassionate, yet very down-to-earth program.